

# HOUSE BILL 35

J1, M3  
HB 14/09 – ENV

(PRE-FILED)

0lr0645  
CF SB 353

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By: ~~Delegate Hubbard~~ Delegates Hubbard and Frush

Requested: September 24, 2009

Introduced and read first time: January 13, 2010

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: April 3, 2010

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Environment – Brominated Flame Retardants – Decabrominated Diphenyl**  
3 **Ether – ~~Prohibition~~ Prohibitions**

4 FOR the purpose of prohibiting, on or after ~~a certain date~~ certain dates, the manufacturing,  
5 leasing, processing, selling, or distributing of certain products that contain a  
6 certain amount of decabrominated diphenyl ether; prohibiting a person from  
7 using certain substances as a substitute for decabrominated diphenyl ether  
8 under certain circumstances; providing that the prohibition does not apply to  
9 certain processing of certain recyclables, certain manufacturer replacement  
10 service parts or other products, certain vehicles, or certain products, parts, or  
11 replacement parts for use in certain vehicles; defining a certain term; ~~providing~~  
12 ~~for a delayed effective date~~; and generally relating to the use of brominated  
13 flame retardants.

14 BY repealing and reenacting, with amendments,  
15 Article – Environment  
16 Section 6–1201 and 6–1202  
17 Annotated Code of Maryland  
18 (2007 Replacement Volume and 2009 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Environment**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 6–1201.

2 (a) In this subtitle the following words have the meanings indicated.

3 **(B) “DECABDE” MEANS DECABROMINATED DIPHENYL ETHER.**

4 **[(b)] (C)** “OctaBDE” means octabrominated diphenyl ether.

5 **[(c)] (D)** “PentaBDE” means pentabrominated diphenyl ether.

6 6–1202.

7 (a) This section does not apply to the processing of recyclables containing  
8 pentaBDE [or], octaBDE, **OR DECABDE** that is conducted in compliance with all  
9 applicable federal, State, and local laws.

10 (b) **(1)** This [section] **SUBSECTION** does not apply to original equipment  
11 manufacturer replacement service parts or other products manufactured prior to  
12 October 1, 2008, if the parts or products were manufactured in compliance with  
13 applicable federal, State, and local laws.

14 **[(c)] (2)** On or after October 1, 2008, a person may not manufacture,  
15 process, sell, or distribute in the State a new product or flame–retardant part of a new  
16 product that contains more than one–tenth of 1% of pentaBDE or octaBDE by mass.

17 **(c) SUBJECT TO SUBSECTIONS (A) AND (B) OF THIS SECTION, A PERSON**  
18 **MAY NOT USE ANY OF THE FOLLOWING AS A SUBSTITUTE FOR DECABDE:**

19 **(1) A CARCINOGEN RATED BY THE U.S. ENVIRONMENTAL**  
20 **PROTECTION AGENCY AS A GROUP A, B, OR C CARCINOGEN;**

21 **(2) A REPRODUCTIVE TOXICANT THAT MAY CAUSE BIRTH**  
22 **DEFECTS, REPRODUCTIVE HARM, OR DEVELOPMENTAL HARM AS IDENTIFIED BY**  
23 **THE U.S. ENVIRONMENTAL PROTECTION AGENCY; OR**

24 **(3) THE SUBSTANCE DECABROMODIPHENYL ETHANE.**

25 **⊖ (D) (1) IN THIS SUBSECTION, “TRANSPORTATION EQUIPMENT”,**  
26 **“MILITARY EQUIPMENT”, AND “COMPONENTS OF TRANSPORTATION OR**  
27 **MILITARY EQUIPMENT” DO NOT INCLUDE SHIPPING PALLETS USED TO**  
28 **TRANSPORT UNPACKAGED FRUITS AND VEGETABLES.**

29 **(2) THIS SUBSECTION DOES NOT APPLY TO:**

1 (I) ORIGINAL EQUIPMENT MANUFACTURER REPLACEMENT  
2 SERVICE PARTS OR OTHER PRODUCTS MANUFACTURED BEFORE JANUARY 1,  
3 2011, IF THE PART OR PRODUCTS WERE MANUFACTURED IN COMPLIANCE WITH  
4 APPLICABLE FEDERAL, STATE, AND LOCAL LAWS; AND

5 (II) 1. A VEHICLE, AS DEFINED IN § 11-176 OF THE  
6 TRANSPORTATION ARTICLE; OR

7 2. A PRODUCT, PART, OR REPLACEMENT PART FOR  
8 USE IN A VEHICLE.

9 ~~(2)~~ ~~ON~~ (3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS  
10 SUBSECTION, ON OR AFTER JANUARY 1, 2011, A PERSON MAY NOT  
11 MANUFACTURE, LEASE, PROCESS, SELL, OR DISTRIBUTE FOR SALE OR LEASE IN  
12 THE STATE A NEW PRODUCT OR FLAME-RETARDANT PART OF A NEW PRODUCT  
13 THAT CONTAINS MORE THAN ONE-TENTH OF 1% OF DECAHEDRANES BY MASS.

14 (4) BEFORE JANUARY 1, 2014, PARAGRAPH (3) OF THIS  
15 SUBSECTION DOES NOT APPLY TO:

16 (I) TRANSPORTATION EQUIPMENT;

17 (II) MILITARY EQUIPMENT; OR

18 (III) COMPONENTS OF TRANSPORTATION OR MILITARY  
19 EQUIPMENT.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 ~~January~~ October 1, 2011 ~~2011~~ 2010.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.